

SENATE BILL No. 54

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-13.

Synopsis: Immunity for uncompensated health services. Provides immunity from civil liability for certain health care providers providing certain services without compensation.

Effective: July 1, 2005.

Riegsecker

January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 54

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-30-13-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Except as provided
3 in section 2 of this chapter, a person who meets the following criteria
4 is immune from civil liability resulting from any act or omission
5 relating to the provision of health care services:

6 (1) Has licensure to provide health care services under Indiana
7 law.

8 (2) Voluntarily provides without compensation health care
9 services ~~under IC 36-1-14.2~~ within the scope of the person's
10 license to another person.

11 ~~(3) Provides the health care services at any medical clinic or~~
12 ~~health care facility that:~~

13 (A) purchases professional liability insurance under
14 ~~IC 36-1-14.2~~; and

15 ~~(B) provides the health care services without charge.~~

16 **(3) Informs the person to whom the health care services are**
17 **provided (or the person's personal representative), before**



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1 providing the health care services, that the health care
2 services will be provided without charge.

3 SECTION 2. IC 34-30-13-1.5 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. Except as provided in section**
6 **2 of this chapter, a physician who:**

7 (1) is licensed under IC 25-22.5;

8 (2) provides medical direction concerning emergency medical
9 services (as defined in IC 16-18-2-110):

10 (A) to a person who is certified under IC 16-31 to provide
11 the emergency medical services;

12 (B) within the scope of the physician's license; and

13 (C) without compensation;

14 is immune from civil liability resulting from an act or omission
15 related to the provision of the medical direction.

16 SECTION 3. IC 34-30-13-2 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A person
18 described in section 1 of this chapter is not immune from civil liability
19 if the damages resulting from the provision of the health care services
20 ~~resulted from~~ **are proximately caused by** the person's gross
21 negligence, ~~or~~ willful misconduct, ~~or commission of a criminal~~
22 ~~offense.~~

23 (b) A physician described in section 1.5 of this chapter is not
24 immune from civil liability if damages resulting from the provision
25 of the medical direction are proximately caused by the physician's
26 gross negligence, willful misconduct, or commission of a criminal
27 offense.

28 SECTION 4. [EFFECTIVE JULY 1, 2005] IC 34-30-13-1 and
29 IC 34-30-13-2, both as amended by this act, and IC 34-30-13-1.5,
30 as added by this act, apply to a cause of action that arises after
31 June 30, 2005.

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